IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5599 OF 2006

Shivaji Mayappa Ghodke & Ors. .. Petitioners.
Vs.
Babu Rayappa Ghodke & Ors. .. Respondents.

Mr.R.V.More for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition under Article 227 of the Constitution of India is directed against the order dated 27.4.2006 passed on the application at Exhibit-68 filed by the respondent-plaintiff seeking amendment of the pleadings contending that after filing of the suit the defendants have taken forcible possession of the suit property. The trial Court has allowed the application. I do not wish to examine the merits of the contentions advanced by the petitioners under extremely limited jurisdiction of this Court under Article 227 of the Constitution and in my opinion the interest of justice would be met if all the contentions raised in the present petition are kept open to raise in further proceedings by the

petitioners in the event, the suit is decreed against them. In the circumstances I pass the following order:

. The writ petition is dismissed. All the contentions are kept open to raise in further proceedings, if the order in the suit is adverse to the petitioners.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)